

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	Douglas Durham et al.)
)
Serial No.:	10/764,059) Art Unit
) 2155
Filed:	January 23, 2004)
)
Conf. No.:	7603)
)
For:	SYSTEMS AND METHODS FOR CREATION)
	AND USE OF A VIRTUAL PROTOCOL)
	ANALYZER)
)
Examiner:	Faruk Hamza)
)
Customer No.:	022913)

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**MAIL STOP: AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants submit this paper in response to the Office Action mailed August 7, 2008 (the "Office Action"). In the Office Action, the Examiner set forth an Election of Species Requirement that identified what the Examiner has characterized as two (2) patentably distinct species of the invention. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following species:

- I. Species 1, a method for facilitating analysis of one or more aspects of a communication network, the method being suitable for use in connection with a multi-protocol communications analyzer, the method comprising: identifying ports of the multi-protocol communication analyzer; using at least one of any available ports to define domain and configuring at least one port of any domain; Fig. 5A, P[0049]; and

II. Species 2, a method for facilitating analysis of one or more aspects of a communication network, the method being implemented in association with a graphical user interface and comprising; displaying a list of ports; displaying the name of the a domain; receiving port selection; displaying port information; receiving and displaying port configuration information Figure 5B, P [0051].

In response to the Election of Species Requirement set forth in the Office Action, Applicants hereby elect Species 1 (Figure 5 A) for examination without traverse. Claims 1-14 are readable on Species 1.

Applicants note that while the elections set forth herein are made without traverse, the mere fact that no traverse is made should not be construed as an assessment or judgment by the Applicants as to the merits, if any, of: the characterization of the claims and inventions advanced by the Examiner in the restriction and election of species requirements set forth in the Office Action; or, any other assertions, allegations, statements or characterizations made by the Examiner in the Office Action.

An action on the merits of Claims 1-14 and a Notice of Allowance thereof are respectfully requested.

Dated this 26th day of August 2008.

Respectfully submitted,

/Peter F. Malen, Jr./Reg.# 45576

PETER F. MALEN, JR.
Attorney for Applicants
Registration No. 45,576
Customer No. 022913
Telephone No. 801-533-9800